

SDD:TAD
F.# 2015R000094

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF AN APPLICATION FOR A
SEARCH WARRANT FOR THE PREMISES
KNOWN AND DESCRIBED AS FACEBOOK
USERNAME AND/OR USER IDENTIFICATION:

Tairod Pugh,
ID: www.facebook.com/#!/tairod.pugh

15M146

To be Filed Under Seal

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR A SEARCH
WARRANT

(T. 18, U.S.C. § 2339B)

EASTERN DISTRICT OF NEW YORK, SS:

GHAILAN H. STEPHO, being duly sworn, deposes and says that he is a
Special Agent with the Federal Bureau of Investigation ("FBI") assigned to the FBI's Joint
Terrorism Task Force ("JTTF"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that there is
located in THE PREMISES KNOWN AND DESCRIBED AS FACEBOOK USERNAME
AND/OR USER IDENTIFICATION NUMBER: Tairod Pugh, www.facebook.com/#!/tairod.pugh,
[tairod.pugh](http://www.facebook.com/#!/tairod.pugh), ("the FACEBOOK PREMISES"), information, as described more fully in
Attachment B, constituting evidence, fruits, and instrumentalities of, among other crimes,
providing material support and resources, including personnel, including the defendant,

TAIROD PUGH, to a foreign terrorist organization, to wit: the Islamic State of Iraq and the Levant ("ISIL"), in violation of Title 18, United States Code, Section 2339B(a).

(Title 18, United States Code, Section 2339B).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I make this affidavit in support of an application for a search warrant for information associated with a Facebook user name stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The FACEBOOK PREMISES to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in their possession pertaining to the subscriber(s) or customer(s) associated with the FACEBOOK PREMISES.

2. I have been a Special Agent with the FBI since 2010 and have been assigned to the New York JTTF since 2011. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for committing acts of terrorism. As a Special Agent, I have investigated national security matters, and I have conducted physical surveillance, executed court-authorized search

¹ Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, I have not set forth each and every fact learned during the course of the investigation.

warrants and used other investigative techniques to secure relevant information. As a result of my training and experience, I am familiar with the tactics, methods and techniques of terrorist networks and their members, including the use of computers, cellular telephones, social media, email, and the internet in connection with their criminal activity. I am currently assigned to JTTF squad CT-3, and my responsibilities include the extra-territorial investigation of terrorist activity in Africa and elsewhere, including terrorist activity by various designated foreign terrorist organizations.

3. I have personally participated in the investigation of the offense discussed below. I am familiar with the facts and circumstances of this investigation from: (a) my personal participation in this investigation; (b) interviews with witnesses; (c) my review of records and reports generated by other law enforcement agents in the United States and elsewhere; (d) my review of communications recovered during the investigation; and (e) information provided to me by other agents and law enforcement officials.

FACTUAL BACKGROUND

A. ISIL

4. United States law enforcement agents, including members of the New York JTTF, have been investigating individuals located in the United States and abroad who may have traveled to Syria to fight violent jihad and provide material support to designated foreign terrorist organizations, including ISIL, that are operating in that country.

5. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist Entity under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq as a FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist Entity under section 1(b) of Executive Order 13224 to add the alias ISIL as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never formally called itself "Al-Qaeda in Iraq," this name has frequently been used to describe ISIL through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State ("IS").

B. Background on TAIROD PUGH

6. PUGH, 47, is a United States citizen. Until recently, PUGH's last known address in the United States was in Neptune, New Jersey. As discussed in more detail below, PUGH was arrested on January 16, 2015 pursuant to a warrant issued by United States Magistrate Judge Steven Locke, and his case remains under seal.

7. From in or about 1986 to 1990, PUGH served in the United States Air Force, where he worked as an avionics instrument system specialist and received training in the installation and maintenance of aircraft engine, navigation, and weapons systems. After moving to San Antonio, Texas in or about 1998, PUGH converted to Islam and became increasingly radical in his beliefs.

8. In or about 2001, PUGH worked as a mechanic for American Airlines. In 2001, the FBI received a tip from a co-worker of PUGH's at American Airlines that PUGH sympathized with Osama bin Laden, felt that the 1998 bombings of U.S. embassies overseas were justified, and expressed anti-American sentiment.

9. In 2002, an associate of PUGH's who was interviewed by the FBI stated that PUGH had expressed an interest in traveling to Chechnya to fight jihad.

10. From October 2009 to March 2010, PUGH was an Army contractor for DynCorp in Iraq, working on aircraft avionics.

11. Travel records indicate that PUGH was listed as a crewmember on an outbound flight from John F. Kennedy International Airport ("JFK Airport") to Bahrain in January of 2014. The records are unclear as to whether PUGH boarded that flight.

12. PUGH most recently worked for Gryphon Airlines ("Gryphon") as an airplane mechanic in Kuwait City, Kuwait. Gryphon is a commercial charter airline based in Kuwait City. Gryphon operates commercial charter flights to Iraq and Afghanistan as well

as within these countries; it is an approved contractor to the United States military. PUGH was fired from Gryphon on or about December 11, 2014.

13. Based on interviews with PUGH's family members on January 13, 2015, investigators have learned that PUGH was living overseas for approximately the past eighteen months in Egypt, Dubai, and Jordan, among other locations.

C. PUGH's Detention in Egypt

14. On January 10, 2015, PUGH was stopped for questioning upon arrival at Ataturk Airport in Istanbul, Turkey, off of a flight from Egypt, where he had been living off and on for approximately one year. When questioned by Turkish authorities, PUGH falsely claimed he was a pilot with the United States Special Forces and that he sought to enter Turkey for vacation. PUGH refused to allow the Turkish authorities to access his laptop as part of a border crossing search. The Turkish authorities, likely suspicious that PUGH might be entering Turkey in order to cross the border into Syria, denied PUGH entry into the country and placed him on a return flight to Cairo, Egypt.²

15. When he arrived in Egypt on the evening of January 10, 2015, PUGH was detained pending deportation to the United States. Upon being detained, PUGH stated

² The information in paragraphs 14 – 17 was provided by confidential sources who have provided reliable information in the past and who have firsthand knowledge of the stated facts. These confidential sources have no prior relationship with PUGH and, based on my knowledge of the sources, I have no reason to believe they harbor any bias against PUGH.

that he had been unable to find work in Egypt and had traveled to Turkey to look for a job.

PUGH denied any desire to travel to Syria.

16. PUGH's possessions at the time of his detention in Egypt included various electronic media devices, including an HP laptop computer, an Apple iPod, a Samsung Galaxy S4 mobile telephone, a Pixel mobile telephone, and five USB thumb drives (the "Electronic Devices"). Upon arrival in Egypt, PUGH's laptop was assessed to have water damage and was inoperable. PUGH's iPod appeared to have been reset or initialized, i.e., wiped clean of data. In addition, many of the USB thumb drives appeared damaged and were missing their outer casings. It thus appeared that PUGH had purposefully tampered with the Electronic Devices to prevent anyone from accessing his electronic media.

17. PUGH provided the password to his Samsung mobile telephone, which contained several photographs, including a photograph of a machine gun, several photographs of airplanes, and photographs taken of an airplane toilet and of the area under the airline seats, where passengers typically stow carry-on luggage. Asked why he had a photograph of a machine gun, PUGH stated, in sum and substance and in part, that he had no particular reason other than simply liking the photograph.

18. On January 11, 2015, FBI agents obtained PUGH's Electronic Devices. The Electronic Devices were transported to the United States, where they remain in FBI custody. FBI agents in Egypt also viewed, but did not take custody of or seize, broken pieces of plastic consistent with outer casings of USB memory sticks, as well as travel documents,

notes, and other papers, in both of PUGH's backpacks. PUGH's two backpacks, and the property therein, were checked on PUGH's flight back to the United States on January 15, 2015. None of the property contained therein was seized in Egypt or at JFK Airport, in part to avoid raising PUGH's suspicion that he was under investigation by U.S. authorities.

D. The Search of PUGH's Electronic Devices

19. On January 14, 2015, United States Magistrate Judge James Orenstein issued a search warrant permitting the FBI to search the Electronic Devices (the "1/14/15 Warrant").

20. A preliminary search of the Electronic Devices pursuant to the 1/14/15 Warrant revealed that the internal memory chips had been removed from four of the five damaged thumb drives.

21. A search of PUGH's laptop revealed an email dated December 11, 2014, sent from tairod.pugh@outlook.com, in which PUGH informed an acquaintance that he had been fired from his job. The laptop also contained a draft letter to "My Misha." The document properties of this letter show a creation date of January 3, 2015 and a last modified date of January 5, 2015. Based on other references to "Misha" that appear on the laptop, the fact that "Misha" is also listed as a user of the laptop, and PUGH's own references to "Misha" as his wife, I believe "Misha" to be PUGH's Egyptian wife. This letter states, in relevant part:

I am a Mujahid. I am a sword against the oppressor and a shield for the oppressed. I will use the talents and skills given to me by Allah to establish and defend the Islamic States. There is only 2 possible outcomes for me. Victory or Martyr. If Allah gives us Victory we will have a home in Al-sham. I will send for you when it is safe. You will have a nice home around believers. If I am made a martyr we will have a mansion of indescribable beauty on a magnificent plot of land. The land under a whip is worth more than the world and all it contains.

...

I calculated my worth in Dunya. I would usually sell myself for \$1,000 dollars a week, that would be ½ a million dollars for 10 years. If I sell myself to Allah: 1 night guarding the borders for the sake of Allah is worth more than the world and all it contains.

22. Agents also discovered on PUGH's laptop approximately 180 jihadi propaganda videos, including an ISIL video that shows the execution of multiple prisoners. This video shows the prisoners being captured, lined up, and shot in the head, one by one. Information obtained from PUGH's laptop indicates that this video was downloaded on December 18, 2014. Other propaganda videos were downloaded between September 22, 2014 and December 18, 2014.

23. A review of PUGH's laptop also revealed that on or about October 13, 2014, a registered user of the laptop associated with the name "Tairod" logged onto Facebook and visited the video link: "video shows Islamic state recruits with US equipment at training in Iraq." On October 15, 2014, "Tairod" logged into Facebook and visited an

internet link containing the following: “the beginning of the end – why the west can never beat ISIS.”³

24. In addition, PUGH’s laptop contained a chart of crossing points between Turkey and Syria, which was downloaded on January 5, 2015. The chart, dated December 12, 2014, shows specific places where one may cross the border between Turkey to Syria, information about whether the checkpoints are manned by Turkish authorities, and the particular group(s) who control the inner areas of the border within Syria. ISIL appears on the chart as an “inner border actor,” i.e., a group controlling inner areas of Syria, in multiple places on the chart.

25. Based on my training and experience, I know that the Turkish border with Syria is the primary entry point for foreign fighters seeking to travel into and out of Syria to wage violent jihad on behalf of designated foreign terrorist organizations such as ISIL.

26. In addition, members and supporters of terrorist organizations typically compile and store propaganda and technical materials, such as videos, instructional manuals, technical documents, and lectures, on devices such as computers, phones, thumb drives, and external hard drives and share such materials by sharing the devices on which the materials are stored. Members and supporters of terrorist organizations have been known to

³ ISIL and ISIS are used interchangeably and refer to the same terrorist organization.

communicate with each other using Facebook, including by posting messages on each other's Facebook walls.

E. PUGH's Arrival in the United States and PUGH's Arrest

27. PUGH arrived in the United States on January 15, 2015. He was detained by U.S. Customs and Border Protection ("CBP") for secondary inspection and for an interview by Department of State concerning his deportation from Egypt. While waiting to be interviewed, PUGH began speaking to an individual who, unbeknownst to PUGH, was an undercover agent ("UC") from the FBI. The UC and PUGH spoke for more than one hour. They agreed to meet at a Dunkin' Donuts at JFK Airport. During their conversation at the Dunkin' Donuts, PUGH explained, in sum and substance, that he had been turned around by Turkish authorities because they did not like the way PUGH looked. Later during the same conversation, the UC and PUGH discussed keeping in touch in the future. The UC asked PUGH if he was on Facebook, and PUGH responded that he was. The UC then opened his own (undercover) Facebook page on his smart phone. The UC's Facebook page includes the ISIL flag as a banner. PUGH looked at the UC's Facebook page, including the ISIL flag banner, and appeared pleased. PUGH then gave the UC his Facebook name: the FACEBOOK PREMISES. PUGH asked the UC to pull up PUGH's Facebook page so that PUGH could see something. The UC did this. The UC and PUGH agreed to correspond via Facebook or by cellular telephone.

28. On January 16, 2015, United States Magistrate Judge Steven I. Locke issued a warrant for PUGH's arrest based on a complaint charging PUGH with attempting to provide material support to a designated foreign terrorist organization, to wit: ISIL, in violation of Title 18, United States Code, Sections 2339B(a)(1) (the "arrest warrant"). PUGH was arrested pursuant to that arrest warrant at approximately 11 p.m. on January 16, 2015. Based on interviews with PUGH's family members on January 13, 2015, investigators have learned that PUGH has been living overseas for approximately the past year and a half in Egypt, Dubai, and Jordan, among other locations, and that PUGH has posted "crazy" images on his private Facebook page, including images of executions, killings, and bombings.

THE FACEBOOK PREMISES

29. Based on information gathered in this investigation, including interviews with PUGH's family members, PUGH's interaction with the UC identifying the FACEBOOK PREMISES as his own, and photographs of PUGH that are accessible when one views the portion of the FACEBOOK PREMISES that is publicly available, I believe that PUGH is the user of the FACEBOOK PREMISES. First, the name associated with the FACEBOOK PREMISES is "Tairod Pugh." In addition, photographs posted to Facebook using the FACEBOOK PREMISES match PUGH's appearance as well as a photograph of PUGH that was found on one of his cellular telephones and on his laptop computer.

30. By accessing PUGH's Facebook page at the "public" level, one can observe that PUGH has posted, shared or commented upon a number of photographs or posts concerning terrorist groups. For example, on August 3, 2014, PUGH shared a photograph of Anwar Al-Aliki, who was an Al Qaeda leader until his death in 2011.

31. On or about August 5, 2014, PUGH shared a photograph posted by another Facebook member showing two women with their faces and bodies covered, with the caption: "Sisters, if you love your sons, husbands and brothers, prove it by sending them to fight for Allah: Muslim mother-of-six facing jail for encouraging terrorism."

32. On August 6, 2014, PUGH shared a photograph that had been posted by another Facebook member showing masked fighters carrying what appear to be automatic weapons and a rocket-propelled grenade launcher. The masked fighters are riding in the back of a pick-up truck. The caption beneath the photograph reads: "Al Qassam: 22 resistance fighters of Al-Qassam Brigades returned safely after 21 days of siege inside the tunnel closed due to Israeli shelling east of Khan Younis." The al-Qassam Brigades, also known as the Izz ad-Din al-Qassam Brigades, is the military wing of Hamas, and is a designated foreign terrorist organization. The stated goal of the al-Qassam Brigades is to liberate Palestine from perceived Zionist occupation.

33. PUGH's public Facebook profile shows that he is Facebook "friends" with "Jihad Abdul Aziz Mujahideen." On January 9, 2015, "Jihad Abdul Aziz Mujahideen" updated his cover photo to an image of a masked fighter in what appears to be a location

within the Middle East, with the caption: “Jihad: And fight for the cause of God those who fight you. But do not be aggressive. Surely God does not like the aggressors.”

34. In addition to the above photographs located on PUGH’s public Facebook profile, web searches of “Tairod Pugh Facebook” revealed other postings of PUGH’s from the FACEBOOK PREMISES. I was able to identify these postings as originating from the FACEBOOK PREMISES because the photograph and name associated with each posting matches that of the FACEBOOK PREMISES. On September 6, 2014, PUGH, using the FACEBOOK PREMISES, responded to a photograph posted by a different Facebook member of individuals burning the ISIS flag, with the caption: “‘Burn Isis Flag Challenge’ Goes Viral In Arab World: A social media viral campaign has sprung up in the Arab world that involves burning the Isis flag. The trend started after Lebanese youths posted pictures of them burning the flag associated with the militant group, also known as the Islamic State, in” On September 7, 2014, PUGH responded: “amazing how so-called ‘Muslims’ can burn the shahada. I ask Allah to burn them (muslims) on the last day as they have burned the Shahada.”⁴

⁴ The Shahada is an Islamic creed declaring belief in the oneness of god and the acceptance of Muhammed as god’s prophet. The shortest version of the Shahada reads: “There is no god but God, Muhammed is the messenger of God.” The Shahada is inscribed on the ISIL flag. The banner for the FACEBOOK PREMISES is the Shahada, written in Arabic, with a black background.

35. On October 29, 2014, using the FACEBOOK PREMISES, PUGH responded to a post by another Facebook member that included a photograph of a woman using an American flag as a hijab, captioned: "Muslim American or American Muslim: Does it Matter?" PUGH wrote:

I am not am American muslim. I am a muslim made in America. Allah saw strength in me. The strength to be seduced by all that shaitan has to offer and still be able to say there is no god but Allah and Mohammed is His Messenger.

You will never see (sic) use the stars and stripes as clothing I would rather an orange jumpsuit.

36. On December 8, 2014, using the FACEBOOK PREMISES, PUGH responded to a Facebook post by a Facebook member named "Gaza Hummingbird Project" that reads: "Watch: ISIS selling abducted children to Israel or train them to fight. . . . ISIS is engaged in the sale of abducted Iraqi and Syrian children to Israel. The Islamic State of Iraq and Syria . . ." PUGH responded: "sorry gaza but I am tired of your lies. you must be a jew."

37. Based on the foregoing information, there is probable cause to believe that the FACEBOOK PREMISES will contain additional and more recent postings and private communications between PUGH and other Facebook members regarding PUGH's material support of a designated foreign terrorist group. In particular, I am requesting information from Facebook relating to the FACEBOOK PREMISES, as set forth in Attachment B, for the time period from its inception to the present.

TECHNICAL BACKGROUND REGARDING THE FACEBOOK PREMISES

38. The FACEBOOK PREMISES consists of one or more accounts, as set forth in Attachment A, hosted by Facebook, an Internet-based social networking service. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

39. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

40. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will

become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

41. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

42. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a

space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

43. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, a user’s “Photoprint” includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

44. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

45. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

46. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

47. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

48. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

49. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

50. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

51. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

52. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

53. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

54. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user

views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

55. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

56. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

57. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies

of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

58. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that within the FACEBOOK PREMISES in the control of Facebook there exists evidence of providing material support to a designated foreign terrorist organization, in violation of 18 U.S.C. § 2339B. Accordingly, I request that the Court issue the proposed search warrant.

59. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) and (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

60. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

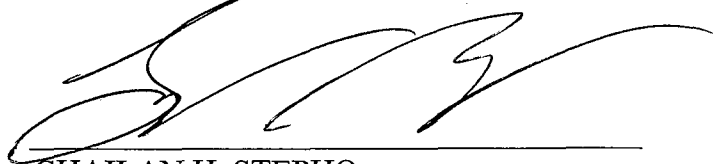
61. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing these documents is necessary because the items and information to be seized are relevant to an ongoing investigation into a

criminal organization, and not all of the targets of this investigation will be searched or arrested at this time. Based upon my training and experience, I have learned that criminals search for information from public sources such as the internet concerning arrests and prosecutions and may further disseminate that information to others. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

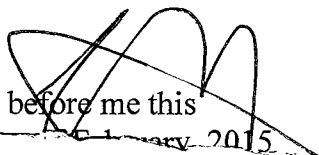
62. Pursuant to 18 U.S.C. § 2705(b) and for the reasons stated above, it is further requested that the Court issue an Order commanding Facebook not to notify any person (including the subscribers or customers of the accounts listed in the attached warrants) of the existence of the attached warrant until further order of the Court.

63. WHEREFORE, your deponent respectfully requests that the requested search warrant be issued for the FACEBOOK PREMISES.

64. IT IS FURTHER REQUESTED that all papers submitted in support of this application, including the application and search warrant, be sealed until further order of the Court.



GHAILAN H. STEPHE
Special Agent
Federal Bureau of Investigation



Sworn before me this
17th ~~February~~ 2015

~~THE HONORABLE STEVEN M. GOLD~~
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the FACEBOOK USERNAME AND/OR USER IDENTIFICATION NUMBER: Tairod Pugh, ID: www.facebook.com/#!/tairod.pugh (hereinafter, the "FACEBOOK PREMISES"), from inception through and until the present, that is stored at premises owned, maintained, controlled, or operated by Facebook, a company located in Menlo Park, California.

ATTACHMENT B
Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- (d) All Neoprints, including profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;

- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
- (n) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (o) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Section 2339B including, for each user ID identified on Attachment A, information pertaining to the following matters: Providing, attempting to provide, or conspiring to provide material support to a designated foreign terrorist organization, including, by way of example only:

- (a) communications and photographs concerning the use and procurement of explosive devices and other weapons;
- (b) communications and photographs concerning the transportation, safe-housing and activities of terrorist operatives;
- (c) communications concerning terrorist financing, the location of terrorist groups, and/or methods of traveling to join designated foreign terrorist organizations; and
- (d) records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.